

# BILL

No. 12 of 1923.

An Act to amend The Irrigation Districts Act.

(Assented to \_\_\_\_\_, 1923.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Irrigation Districts Act Amendment Act, 1923.*"

**2.** Section 11 of *The Irrigation Districts Act*, being chapter 114 of the Revised Statutes of Alberta, 1922, is hereby repealed, and the following substituted therefor:

"**11.** The board of every district formed hereunder or continued hereby shall be a body corporate capable of holding or alienating any property, real or personal, and shall carry out the irrigation work of the district in accordance with ~~any plan of the work of the district which has been approved of by the Minister, or any such plan as subsequently varied or altered with a like approval,~~ and for that purpose shall have power to enter upon any land, and in so doing shall have all such powers as are conferred upon the Minister of Public Works in respect of entry upon land required for public works and shall have every power necessary for the construction, maintenance or renewal of the drainage work necessary for the use of the district."

**the plans which have been filed with the Minister under the provisions of Section 36 of this Act.**

**3.** Section 15 of the said Act is amended by striking out subsection (2) thereof, and substituting therefor the following:

"(2) Any amounts so borrowed shall be paid out of the irrigation rates for the year in which they were borrowed and shall, after payment of the amounts falling due to the debenture holders in or prior to that year, be a first charge thereon and the said person, bank or corporation shall, in respect of any such money used to discharge any portion of the debenture indebtedness of the district, have the same right to priority in repayment thereof as the debenture holders would have had in respect of the indebtedness discharged thereby."

**4. Section 17 of the said Act is hereby repealed.**

4. Section 23 of the said Act is hereby repealed, and the following substituted therefor:

"23.—(1) Save as in subsections (2), (3), (4) and (5) of this section is otherwise expressed, every board of trustees and the works and other property, real or personal, of any such board shall be exempt from every tax, levy, rate or impost imposed by the Province, or any municipality, school board or other public authority whatsoever.

if owned by the board thereof.

"(2) The council of any municipality, or the Department of Municipal Affairs, may tax the land occupied by the works of an irrigation district at a flat rate per acre not exceeding twenty cents for general municipal purposes or improvement district purposes, as the case may be.

the land occupied by the works of any irrigation district if owned by the board thereof.

"(3) The board of trustees of any school district may tax the works of an irrigation district at a flat rate per acre not exceeding twenty cents per acre for school purposes.

"(4) If the board of trustees fails to repay any sum of money expended by an inspector in the destruction of noxious weeds, which it is required to pay by *The Noxious Weeds Act*, such sum of money may be recovered as if it formed part of a municipal tax lawfully levied upon the said board.

"(5) Notwithstanding anything in this section contained, lands which have become vested in the board owing to non-payment of the rates levied thereon shall continue to be assessed for and liable to the payment of municipal taxes."

5. Section 23a is added to the said Act as follows:

and owned by the board thereof.

"23a. The board shall, before the first day of March, forward to the secretary of every municipality, or in the case of an improvement district to the Department of Municipal Affairs and to the secretary of every school district, any part of which is situated within the district, a statement of the acreage of the land occupied by the works of the district, together with a cheque for the amount of the taxes imposed in respect thereof."

6. Sections 28a, 28b and 28c are added to the said Act as follows:

"28a. The secretary shall at least two weeks prior to the last day of January in each year cause to be posted up in at least five conspicuous places in the district a notice of the annual meeting of the ratepayers, in the following form:

"NOTICE.

"Public notice is hereby given that a meeting of the ratepayers of the . . . . . Irrigation District will be held at (*description of place*) on the (*here fill in the date in January on which it is intended to hold the meeting*) day of January, 19. . . , at . . . . . o'clock

(2) Such notice shall be posted at least seven clear days before the date fixed for such meeting.

... for the purpose of receiving the auditor's report of the finances of the district up to the preceding thirty-first day of December, and for the purpose of receiving the reports of the trustees of the district.

"Dated at. . . this. . . day of . . . , 19. . .

*Secretary.*'

"**28b.** At the time and place set out in the notice mentioned in the next preceding section, the trustees of the district, and the secretary, shall attend and submit to the meeting their respective reports for the year ending on the thirty-first day of December.

"**28c.** If the board deems it desirable it may provide for holding several meetings of ratepayers in lieu of one general meeting."

**7.** Section 30 of the said Act is amended—

- (a) by striking out the word "December" where it occurs for the first time therein, and substituting therefor the word "February";
- (b) by striking out the words "thirty-first day of December," and substituting therefor the words "last day of February."

**8.** Section 32 of the said Act is amended as to subsection (1) thereof by striking out the words "first week of December," and substituting therefor the words "last week of February."

**9.** Section 34 of the said Act is amended as to subsection (9) thereof by striking out the words "of assessment" where they occur therein.

**10.** Section 41a is added to the said Act as follows:

"**41a.** At any time before the issue of the said debentures the trustees may, with the consent of the Minister and without submitting the same to the voters, pass a by-law altering the terms of repayment of the debentures and decreasing the rate of interest payable thereon and providing a corresponding change in the amounts to be paid and raised annually:

"Provided always that no change shall be made by the said by-law which shall have the effect of increasing the amount of the said proposed loan."

**11.** Section 58 of the said Act is amended by adding as subsection (2) thereof the following:

"(2) In the case of elections other than the first election the date of nomination for the board shall be not later than the fifteenth day of February."

**12.** Section 59 of the said Act is amended as to paragraph (a) thereof by adding after the words "outside the division" where they occur therein the words "or district."

**13.** Section 66 of the said Act is amended by striking out the words "If the candidates for trusteeship do not exceed the number directed by the Minister," and substituting therefor the words "If the number of candidates for trusteeship does not exceed the number to be elected."

**14.** Section 86 of the said Act is amended by adding as subsection (2) thereof the following:

"(2) Notwithstanding any other provisions of this section, every deputy returning officer may vote at the poll of which he is in charge."

**15.** Section 97 of the said Act is amended by striking out the words "if the candidates for trusteeship do not exceed in number the number directed by the Minister," and substituting therefor the words "if the number of candidates for trusteeship does not exceed the number to be elected."

**16.** Section 143 of the said Act is amended, as to subsection (1) thereof—

(a) by striking out the words "five per centum" where they occur for the first time therein, and substituting therefor the words "two and one-half per centum";

(b) by adding after the words "the amount of rates remaining unpaid" the following: "and in the event of any rate or any part thereof remaining unpaid after the first day of March next following, there shall be added thereto by way of penalty an additional sum equal to two and one-half per centum of the rates which at that date remain unpaid and in the event of any rates or any part thereof remaining unpaid after the last day of June next following, there shall be added thereto by way of penalty an additional sum equal to five per centum of the rates which at that date remain unpaid."

(b) by striking out subsection (3) thereof and substituting therefor the following:

(3) When a penalty is added under the provisions of this section it shall be computed as a percentage of the sum of the arrears and of the penalties, if any, already added".

**17.** Section 148 of the said Act is amended as to subsection (1) thereof—

(a) by striking out the words "first day of July," and substituting therefor the words "fifteenth day of October";

(b) by adding at the end of paragraph (c) thereof the words "and of the penalties incurred in respect of non-payment thereof."

**18.** Section 151 of the said Act is amended—

- (a) by striking out the words “fifteenth day of August in each year,” and substituting therefor the words “last day of November next following”;
- (b) by striking out the words “published in the first two issues of *The Alberta Gazette* for that year,” and substituting therefor the words “published in two issues of *The Alberta Gazette*.”

**19.** Section 152 of the said Act is amended by striking out the words “at least thirty days prior” where they occur therein, and substituting therefor the words “at least twenty days prior.”

**20.** Section 153 of the said Act is hereby repealed and the following substituted therefor:

“**153.** Such notice shall be in the following form:

“NOTICE.

“In the matter of the Court of Confirmation of the irrigation rate enforcement return of the . . . Irrigation District.

“Take notice that His Honour Judge . . . , judge of the District Court of the District of . . . , will at a sittings of the Court at . . . on . . . the . . . day of . . .

. . . 19. . . at the hour of . . . o'clock in the . . . noon, or so soon thereafter as the application can be heard, confirm the irrigation rate enforcement return of the . . . Irrigation District.

“And further take notice that you appear to be interested in . . . of Section . . . Township. Range . . . west of the . . . Meridian, in the Province of Alberta, as mortgagee (~~or execution creditor, or as the case may be~~); that the irrigation rates outstanding against the said lands are as follows: Current \$ . . . , Arrears \$ . . .

“And that in default of payment of the said arrears of rates before the said . . . day of . . . 19. . . the said lands will be included in the rate enforcement return; and that unless all arrears of rates and costs and expenses lawfully incurred are paid before that day, the said lands will be offered for sale at public auction, not later than the last day of December next, free and clear of all encumbrances other than the charge imposed by the debentures issued by the . . . Irrigation District and first mortgages within the meaning of *The Irrigation Districts Act*, *i.e.*, first mortgages registered prior to the . . . day of . . . , 19. . . (*the date of issue of debentures*), and other than taxes and rates charged upon the said lands.’”

**21.** Section 154 of the said Act is amended by striking out the word “advertising” where it occurs therein.

**22.** Section 155 of the said Act is amended—

- (a) as to subsection (1) thereof by striking out the word “advertising” where it occurs therein;
- (b) as to subsection (2) thereof—
  - (i) by striking out the words “or rates levied” where they occur therein;
  - (ii) by adding at the end of the section the words “and other than taxes and rates charged upon the said lands”;
- (c) as to subsection (4) thereof—
  - (i) by striking out the words “or rates levied” where they occur therein;
  - (ii) by adding at the end of the subsection the words “and other than taxes and rates charged upon the said lands.”

**23.** Section 156 of the said Act is amended—

- (a) by striking out the words “fifteenth day of December” where they occur therein and substituting therefor the words “first day of January”;
- (b) by adding at the end of the subsection the words “and other than taxes and rates charged upon the said land”;
- (c) by adding as subsections (2) and (3) thereof the following:
  - “(2) Every sale proposed to be held by a district shall be advertised in a newspaper having general circulation in the district, once in each of the two weeks immediately preceding the proposed date of sale.
  - “(3) Every such advertisement shall specify the place, day and hour at which such sale will commence and each parcel of land shall be designated therein by a reasonable description or by stating the number of the registered instrument or instruments from which a description can be deduced or obtained.”

**24.** Sections 156a and 156b are added to the said Act as follows:

“**156a.** The board of trustees may in the case of any parcel of land, sell such portion thereof as may seem proper to it, if the price obtainable therefor is sufficient to discharge all rates and taxes due thereon, together with the amount of all first mortgages within the meaning of this Act charged upon the said parcel of land.

“ **156b.** Upon any such sale as is mentioned in the preceding section being effected, the board shall retransfer such portion of the said parcel of land as is not included in the said sale to the person who was registered as owner of the said parcel of land prior to the registration of the said adjudication, but in issuing a certificate of title in respect thereof the registrar shall endorse thereon all mortgages, charges and other encumbrances to which the title to the said parcel of land was subject prior to the said adjudication, except such as, by virtue of this Act, are charged upon the portion of the said parcel of land sold for rates.”

No. 12.

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THIRD SESSION  
FIFTH LEGISLATURE  
13 GEORGE V  
1923

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An Act to amend The Irrigation  
Districts Act.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. MR. SMITH.

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EDMONTON:  
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1923